

## STATE OF SOUTH CAROLINA

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET  
NUMBER:

2008-307.C

## In Re:

Application of Sage Spectrum, LLC for a Certificate  
of Public Convenience & Necessity to Provide  
Telecommunications Services in South Carolina and  
for Alternative and Flexible Regulatory Treatment

(Please type or print)

Submitted by: Bonnie D. ShealySC Bar Number: 11125Address: Robinson, McFadden & Moore, P.C.  
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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

## DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigator
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

Application of )  
)  
)

**Sage Spectrum, LLC** )  
)

Docket No. \_\_\_\_\_

for a Certificate of Public Convenience and )  
Necessity to Provide Resold and Facilities-Based )  
Local Exchange, Access, and Interexchange )  
Telecommunications Services in the )  
State of South Carolina and for Flexible and )  
Alternative Regulation )  
)

**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING EXHIBIT D AS TRADE SECRET**

**Introduction**

Sage Spectrum, LLC ( "Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements attached as *Exhibit D*, filed as Trade Secret to the Application for Authority for Applicant to Provide Resold and Facilities-Based Local and Interexchange Telecommunications Services in the State of South Carolina ("Application"). Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

Sage Spectrum, LLC  
805 Central Expressway South, Suite 100  
Allen, Texas 75013-2789  
(214) 495-4700 (Tel)  
(214) 495-4790 (Fax)

2. Correspondence or communications regarding this Motion should be addressed to:

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#### **I. Description of Confidential Information.**

3. The Application requires Applicant to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement and since Applicant will rely upon the financials of Sage Telecom, Inc. ("Manager"), the Applicant submits copies of the financial statements of Manager. Since Applicant is newly formed entity, initially Applicant will rely upon the financial qualification of Manager. As stated above, Manager will operate Applicant

pursuant to a management agreement. As part of that management agreement or other arrangements, Manager will agree to provide the financial support necessary for Applicant to provide service for at least Applicant's first year of operations. Applicant is a wholly owned subsidiary of Sage Spectrum Holdco, LLC. Manager is an affiliate of Sage Spectrum, LLC. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

## II. Grounds for Claim of Confidentiality.

4. Applicant and Manager are presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as **Exhibit D** to the Application are not readily available to persons external to Applicant and Manager

5. Because the projected financial statements submitted by Applicant and Manager in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, Applicant seeks to protect such material from public disclosure. Manager derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including local and interexchange carriers ("IXCs") in South Carolina, as well as in other states in which Applicant and Manager provide or intend to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. Applicant clarifies herein that its request for protection applies only to the documents attached as *Exhibit D* to the Application. Applicant is not seeking protection of any type for those reports Applicant is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

### **CONCLUSION**

7. The audited financial information included in support of Applicant's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to Applicant as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required Applicant to make this information available to the public. For all these reasons, the projected financial statements attached as *Exhibit D* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, Applicant respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as *Exhibit D* to the Application for Authority for Sage Spectrum, LLC. to Provide Resold and Facilities-Based Local and Interexchange Telecommunications Services in the State of South Carolina and filed *under seal* as Confidential in this proceeding.

Dated this 7<sup>th</sup> day of August, 2008.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By Bonnie D. Shealy

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Attorneys for Sage Spectrum, LLC

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APPLICATION OF SAGE SPECTRUM, LLC

EXHIBIT D

Financial Statements

**CONFIDENTIAL & PROPRIETARY  
FILED UNDER SEAL**